

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 4111.1/4211.1

SEXUAL HARASSMENT OF EMPLOYEES/STUDENTS

The Cherry Hill Board of Education is firmly committed to eliminating sexual harassment, in any form, within the District. The Board recognizes that harassment on the basis of sex is a violation of both federal and State discrimination laws and that these laws apply to employees and students. The District will provide to all affected groups a learning and working environment free from sexual harassment and will not tolerate harassment by any party affiliated with the District including, but not limited to, employees, students, vendors and volunteers.

Any individual with a complaint of sexual harassment should file the complaint with the building principal or the immediate supervisor and the building Affirmative Action Officer. The District Affirmative Action Officer shall immediately be informed of all such complaints. All complaints of sexual harassment will be investigated by the building principal or immediate supervisor, and the building Affirmative Action Officer and appropriate corrective action will be taken when deemed necessary. The District Affirmative Action Officer and the building Affirmative Action Officer shall be informed of the disposition of all such complaints.

1. Definitions

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made a term or condition of an individual's employment or education;
- (2) Submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive employment or education environment.

Forms of sexual harassment include but are not limited to the following:

- (1) Verbal harassment, such as sexual innuendoes, sexual propositions, lewd remarks, degrading or derogatory comments or questions by either gender, jokes, gestures or slurs, that are sufficiently persistent, severe or pervasive to satisfy the definition of sexual harassment set forth above;
- (2) Physical harassment, such as uninvited, unnecessary or offensive touching, leaning over, cornering or impeding or blocking movement. Physical contact is not a prerequisite to a determination that physical harassment has occurred; and
- (3) Non-verbal harassment, such as the distribution, display or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; or repetitive, uninvited and unwelcome letters, telephone calls, emails or materials of a sexual nature, that are sufficiently persistent, severe or pervasive to satisfy the definition of sexual harassment set forth above.

2. Complaint Procedure

- (1) If comments, gestures, or actions from any employee or student, including teachers, supervisors or members of management, are perceived to be offensive a complaint should be filed with the principal or the immediate supervisor and the building Affirmative Action Officer.
- (2) The principal or the supervisor and the building Affirmative Action Officer will promptly investigate any complaints of sexual harassment, and will take appropriate corrective action when deemed necessary. No individual will suffer reprisals for reporting any incidents of sexual harassment or making any complaints.
- (3) In addition to the above, any resident of the School District of Cherry Hill has a right to file a grievance alleging a violation of any federal and/or State of New Jersey anti-discrimination legislation. The grievance procedure for this is detailed in Administrative Procedure G-2.
- (4) The District Affirmative Action Officer will be available to coordinate matters relating to any complaints and to provide information and assistance to all parties.
- (5) Each building Affirmative Action Officer shall serve as a resource person for students and staff members in his/her building.

3. Disciplinary Actions

Any individual who is found to be responsible for sexual harassment will be subject to appropriate discipline; the severity of the disciplinary action will be based upon the circumstances of the infraction. Forms of discipline may include, but shall not be limited to the following: scheduling changes and transfers; written warnings that future misconduct will result in progressive forms of discipline; formal reprimands; suspension or termination.

4. Notification

Notification of this policy will be circulated to all schools and departments of the School District on an annual basis and incorporated in teacher and student handbooks.

Legal References:

20 U.S.C.A. 1681 Title IX of the 1972 Education Amendments
42 U.S.C.A. 2000e et seq. Title VII of the Civil Rights Act of 1964 as amended by
the Equal Employment Opportunities Act of 1972
42 U.S.C.A. 12101 et seq. Americans with Disabilities Act
N.J.S.A. 10:5-1, et seq. N.J. Law Against Discrimination
N.J.A.C.6A. 18A: 36-20Conscientious Employee Protection Act
N.J.A.C. 6A:7-1.1 et seq. Managing for equality and equity in education
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)
Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993)
Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)
Oncale v. Sundowner Offshore Servs., Inc., 118 S.Ct. 998 (1998)
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998)
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998)
Gebser v. Lago Vista Independent School District, 118 S. CT. 1989 (1998)

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Franklin v. Gwinnett, 112 S. Ct. 1028 (1992)

Saxe v. State College Area School District, 240F. 3d 200 (3d Cir. 2001)

Formerly Policy GAEA

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